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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,323	06/24/1999	RICHARD G. HARTMANN	EN998070	8931

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IBM CORPORATION - DEPT. 917  
3605 HIGHWAY 52 NORTH  
ROCHESTER, MN 55901-7829

EXAMINER
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NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/344,323

Applicant(s)

HARTMANN ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Office Action is in response to the communication received on 05 February 2004.
2. Claims 1-20 are presented for examination.

### ***Response to Arguments***

3. The amended claims 11-13, and 16 under rejection 35 U.S.C. 101 are considered and deemed to be persuasive.
4. Applicant's arguments and amendments received on 05 February 2004 have been fully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., responsive to said browser determining from said data file header that said data file data type and size are in accordance with said request for data, receiving from said browser a GET request, said browser responsive to predetermined configuration parameters, consisting only of one or both of said data file data type and said size, not being in accordance with said request for data, not issuing said GET request to said server) to the claims which significantly affected the scope thereof.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Albers et al. (US 6,223,188 B1)** in view of **Ball et al. (US 6,366,933 B1)**.

7. As to claim 1, Albers, Presentation Of Link Information As An Aid To Hypermedia Navigation, discloses a method for operating a server responsive to a request for data from a client browser specifying data type and size, comprising the steps of: receiving from said browser a HEAD request for the header of a data file (*Albers, col. 1, lines 41-67; col. 2, lines 1-51; col. 5, lines 6-54*); responsive to said HEAD request, serving to said browser data file header information including data type and data size (*Albers, col. 1, lines 41-65; col. 5, lines 6-54*); However, Albers does not explicitly disclose responsive to said browser determining from said data file header that said data file data type and size are in accordance with said request for data, receiving from said browser a GET request, said browser responsive to predetermined configuration parameters, consisting only of one or both of said data file data type and said size, not being in accordance with said request for data, not issuing said GET request to said server; and thereafter responsive to said GET request, serving to said browser data corresponding to said header. Thus, the artisan would have been motivated to look into the related network arts for potential methods and systems for implementing the servicing the browser user's requests for resources or objects over the Internet.

In the same field of endeavor, Ball, related Method And Apparatus For Tracking And Viewing Changes On The Web, discloses in an analogous art internet data access. *Ball discloses the HEAD information provided by httpd (the HTTP server) for the URL....In addition, there is a threshold associated with each page to determine the*

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*maximum frequency of direct HEAD requests. If the page was visited within the threshold, or the modification date obtained from the proxy-caching server is current with respect to the threshold, the page is not checked. The threshold can vary depending on the URL, with perl pattern matching used to determine what threshold to apply... (Ball, col. 12, line 2 – col. 13, line 14). Albers also suggests that in the case of hypermedia documents on the WWW, the system retrieves the information regarding the data file's size, its file type by performing httpd HEAD request; this request is similar to the request usually made to retrieve the hypermedia document to which the link points; however, instead of retrieving the entire hypermedia document, only basic information stored in the hypermedia document's header is returned; this saves the user the time and resources that actually downloading the hypermedia file would entail thus reducing network traffic (Albers, col. 5, lines 24-39). Albers also suggests that if no information is desired about the audio menu, the user may set several different parameters to configure the system to provide auditory cues (Fig.9, col. 7, lines 39-51), and the selections made by user are then implemented or the menu is dismissed without making the indicated changes in configuration (if any) (Fig. 9, col. 7, lines 52-60), and the selection process may be controlled by user selection or predefined parameters, or the system may simply select all links currently displayed (Fig. 10, col. 8, lines 8-21).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Albers' teachings of using HEAD request to efficiently provide information on hypermedia links without forcing the

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user actually download the information represented by those links (*Albers, col. 2, lines 11-20*) with the teachings of Ball, for the purpose of allowing users to specify lists of documents of interest (*Ball, Abstract, Fig. 13; col. 2, lines 39-45; col. 4, lines 44-51; col. 21, lines 37-50*). Ball also suggests that *existing GET and POST protocols are used to communicate with specific servers that save versions of documents and provide mark-up versions showing how that have changed. However, if a server runs htmldiff and some perl scripts, it can provide a direct version-control interface and avoid the need to store copies of its HTML documents elsewhere (Ball, col. 21, lines 5-12) and reducing network traffic and users' time and resources (Albers, col. 5, lines 24-39).*

8. As to claim 2, Albers-Ball discloses a method for operating a client browser for requesting a data file from a server, comprising the steps of: receiving data parameters consisting only of one or both of data type and size from a browser user to establish predefined configuration parameters (*Albers, col. 1, lines 41-67; col. 2, lines 1-51; col. 7, line 39 – col. 8, line 21*); and communicating to said server a HEAD request (*Albers, col. 1, lines 41-67; col. 2, lines 1-51*); receiving from said server in response to said HEAD request a data file header describing data file parameters including data type and size (*Ball, Figs. 4, 11, items 7,9 ; col. 4, line 62 – col. 5, line 40*); determining if said data file parameters are within said predefined configuration parameters (*Ball, Abstract, col. 12, line 20 – col. 13, line 14*); and only if so communicating to said server a GET request requesting said server to serve said data file (*Albers, Figs. 1-10; col. 3, lines 21-67; col. 4, line 1,- col. 7, line 67; col. 8, lines 1-40; Ball, col. 21, lines 24-67*).

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9. As to claim 3, Albers-Ball discloses said predefined configuration parameters define the data type size acceptable to said user and wherein said data file parameters include the data content type and data content size of said data file (*Albers, col. 1, lines 34-67; col. 2, lines 1-55*).

10. As to claim 4, Albers-Ball discloses said data file comprises a plurality of data files including one or more inline documents (*Ball, Fig. 3B, 13; Albers, col. 2, lines 20-55*).

11. As to claim 5, Albers-Ball discloses each of said plurality of data files is of a type selected from the set of data file types including image data, video data, audio data, and text data (*Ball, col. 9, lines 19-26; Albers, col. 14, lines 35-60*).

12. As to claim 6, Albers-Ball discloses wherein a HEAD request is submitted separately for each said inline document (*Albers, col. 2, lines 11-55; col. 5, lines 24-54*).

13. As to claim 7, Albers-Ball discloses wherein said GET request is submitted selectively only for those inline documents having data parameters within said predefined configuration parameters (*Ball, Abstract, Figs. 3A, 12; col. 4, lines 45-51; col. 20, lines 26-53; Albers, Fig. 10; col. 8, lines 8-40*).

14. As to claim 8, Albers-Ball discloses said predefined configuration parameters include a maximum data size and a minimum data size acceptable to said user (*Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40*).

15. As to claim 9, Albers-Ball discloses, responsive to said data file parameters not being within said predefined configuration parameters, comprising the further step of

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providing to said user the option of modifying said user data parameters (*Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40*).

16. As to claim 10, Albers-Ball discloses, responsive to said data file parameters not being within said predefined configuration parameters, comprising the further step of providing to said user the option of requesting a portion of said data file (*Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40*).

17. Claims 11, 12 recite a server system corresponding to the method of operations of claim 1. The server system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating server responsive to a request for data from a client browser, which results from the reference discussed above regarding the claims to the method. Thus the server system described in claims 11, 12 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 1.

18. Claim 13 recites a system (a client browser) corresponding to the method of operations of claim 2. The system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating client browser for requesting a data file from a server which results from the reference discussed above regarding the claims to the method. Thus the system described in claim 13 would have been obvious in view



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of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 2.

19. Claims 14 is corresponding computer readable medium claim of claim 2; it is rejected under the same rationale as in claim 2.

20. Claims 15 is corresponding article of manufacture claim of claim 2; it is rejected under the same rationale as in claim 2.

21. Claims 16 is corresponding computer storage medium claim of claim 2; it is rejected under the same rationale as in claim 2.

22. Claims 17 is corresponding computer readable medium claim of claim 2; it is rejected under the same rationale as in claim 2.

23. Claims 18, 19 are similar limitations of claims 9, 10; therefore, they are rejected under the same rationale as claims 9, 10.

24. Claim 20 is similar limitations of claims 3, 4; therefore, it is rejected under the same rationale as claims 3, 4.

***Response to Arguments***

25. Applicant's arguments received on 05 February 2004 have been fully considered but they are not persuasive.

26. In the remark, Applicant argued in substance that:

(A) The prior art does not disclose "*a predetermined, user defined configuration parameters*" in claims 1,2,11-17 (on page 17, 3<sup>rd</sup> paragraph in paper # 23).

As to point (A), Albers discloses that "*if no information is desired about the audio menu, the user may set several different parameters to configure the system to provide auditory cues (Albers, Fig.9, col. 7, lines 39-51), and the selections made by user are then implemented or the menu is dismissed without making the indicated changes in configuration (if any) Albers, (Fig. 9, col. 7, lines 52-60), and the selection process may be controlled by user selection or predefined parameters, or the system may simply select all links currently displayed (Albers, Fig. 10, col. 8, lines 8-21)*".

(B) The Examiner using Office Notice with "...in order to a Form on the network" and "...to adjust web display..." in claims 15, 16 (paper # 23, pages 18, 19).

As to point (B), Examiner made error in typing when Office Notice used. The correction has been made in this Office Action shown above.

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### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142



JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER